



Attn Dkt No. 4002-3385

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
 )  
Bradley T. Estes et al. ) Before the Examiner  
 )  
Serial No. 10/650,494 )  
 )  
Filed: August 28, 2003 ) Art Unit  
 )  
LATERALLY EXPANDING )  
INTERVERTEBRAL FUSION DEVICE )

**SECOND PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

Please consider this Preliminary Amendment in the above-captioned application prior to examination.

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this submission.

Remarks begin on page 12.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents, Alexandria VA 22313-1450 on

*October 20 2003*

(Date of Deposit)

James B. Myers Jr.

Name of Registered Representative

*James B. Myers Jr.*

Signature

*October 20 2003*

Date of Signature

10/28/2003 CNGUYEN 00000149 10650494

01 FC:1202  
02 FC:1201

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86.00 OP